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1 2 3 4 5	1 Name American (1971) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Keith D. Karnes OSB # 03352 Olsen, Olsen & Daines 1599 State St. P.O. Box 12829 Salem, OR 97309-0829 (503)362-9393	FILED OS JAN 07 11:23USDC-ORM				
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8		IN THE UNITED STATES DISTRICT COURT					
9		FOR THE DISTRICT OF OREGON					
101112		Danny and JoAnn Sinclair, Plaintiffs, v.	Case No. 05-3003-00 Complaint for Violation of Fair Debt Collection Practices Act.				
13 14 15		Giove Law Office, P.C.; and Providian Bancorp Services Defendants.	JURY REQUESTED				
16		COMPLAINT AND DEMAND FOR JURY TRIAL					
17		I. INTRODUCTION					
18		1. This is an action for actual and statutory damages brought by Plaintiffs, Danny and JoAnn Sinclair, natural consumers, against Defendant, Giove Law Office, P.C., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq (herein "FDCPA"), which					
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21		prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.					
22		II. JURISDICTION					
23		2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.					
24		Venue in this District is proper because Defendant conducts business in Oregon and the					
25		conduct complained of occurred within the District.					

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1 III. PARTIES 2 3. Plaintiffs are natural persons, husband and wife, residing in Grants Pass, Oregon. 3 4. Defendant is a New York corporation with its principal place of business located 4 in Niagra Falls, New York. Defendant is not licensed to do business in the state of Oregon. 5 The principal purpose of Defendant is the collection of debts and defendant regularly 6 attempts to collect debts alleged to be due another. 7 8 5. Defendant is engaged in the collection of debts from consumers using the 9 telephone. Defendants regularly attempt to collect consumer debts alleged to be due to 10 another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6). 11 IV. FACTUAL ALLEGATIONS 12 6. Defendant Providian hired Defendant Giove to collect the debt Plaintiffs owes 13 Defendant. 14 7. On May 25, 2004, employee for Defendant contacted Plaintiffs four times. 15 8. On May 26, 2004, employee for Defendant contacted Plaintiffs four times. 16 9. On June 03, 2004, employee for Defendant contacted Plaintiffs two times. 17 10. Plaintiffs received a demand for payment from Defendant. The correspondence 18 stated "In the event you continue to ignore your obligation, this office will assume you have 19 no intention on resolving your debt and will have no choice but to advise our client as to what 20 other legal recourse they may have, most notably, commencing a legal action in order to 21 obtain and enforce a court ordered judgement. In the event a judgement is filed against you, 22 23 your wages may be garnished and personal property put in jeopardy."

11. On June 16, 2004, employee for Defendant contacted Plaintiffs four times.

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1	12. On July 07, 2004, employee for Defendant contacted Plaintiffs ten times within					
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3	ten minutes.					
4	13. Plaintiffs informed Defendant on multiple occasions they had retained an attorney					
5	for bankruptcy purposes. Employee for Defendant stated "we can do as we damn well					
6	please."					
7	14. Defendant Providian is liable for the acts of Giove Law Office.					
8	V. CLAIM FOR RELIEF					
9	15. Defendant's action in continuously contacting Plaintiffs is a violation in the					
10	FDCPA, 15 U.S.C. 1692d(5).					
11	16. Defendant's action in contacting Plaintiffs after being informed of representation					
12	of an attorney is a violation of the FDCPA, 15 U.S.C. 1692c(2). 17. Defendant's action in threatening legal action, garnishment and threatening Plaintiffs personal property being put in jeopardy is a violation of the FDCPA, 15 U.S.C.					
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15	1692e(4).					
16	18. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiffs for declaratory judgment the Defendant's actions violated the FDCPA, actual					
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19	damages, statutory damages, and costs and attorney's fees.					
20	WHEREFORE, plaintiffs Danny and JoAnn Sinclair respectfully request that					
21	judgment be entered against Defendants jointly and severally as follows:					
22	A. Declaratory Judgment that Defendant's actions violated the FDCPA;					
23	B. Actual Damages; in the amount of \$5,000.00					
24	C. Statutory Damages pursuant to 15 U.S.C. § 1692k in the amount of \$1,000.00;					
25	D. Punitive Damages in the amount of \$10,000.00;					

1	E.	Costs and reasonable attorn	ey's fees	s pursuant to 15 U.S.C. § 1692k; and
2	F.	For such other relief that the	e Court	may deem just and proper.
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4	DATED 41.	4th day of Lagrange 2005		
5	DATED mis	4th day of January, 2005.		
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7			Ву	Keith D. Karnes, OSB # 03352
8				of Attorneys for Plaintiffs
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